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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON**

<b>In re:</b>  <b>MAURICIO R. DE PAZ and MARIA A. DE PAZ,</b>  <b>Debtor.</b>	<b>Case No. 09-04011-PCW11</b>  <b>FINDINGS OF FACT and CONCLUSIONS OF LAW RE CONFIRMATION OF FIRST AMENDED CHAPTER 11 PLAN OF REORGANIZATION</b>
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THIS MATTER having come on for telephonic hearing on March 10, 2011, before the above-entitled Court for confirmation of Debtor's Chapter 11 Plan of Reorganization, First Amended., with debtors and debtor's attorney, Patrick J. Morrissey, Gary Dyer of the office of the United States Trustee, and Mike Mykines appearing. The Court having reviewed Debtors' Declaration filed in support of confirmation, and, having reviewed the file herein, and having heard and considered statement of counsel, does hereby make the following:

**FINDINGS OF FACT**

1. Debtors filed their petition for relief herein on July 16, 2009, under Chapter 12 of the Bankruptcy Code. The case was later converted to a case under Chapter 11 on November 25, 2009, by order filed as Docket entry No. 37.

2. Debtors filed their original Plan of Reorganization and Disclosure Statement on September 20, 2010, and their First Amended Plan of Reorganization was filed on January 21, 2011, herein referred to as the "Plan".

1       3 The Disclosure Statement filed by Debtors on September 20, 2010, was conditionally  
2 approved by the above Court on November 4, 2010, by order filed as Docket entry No. 102.

3       4. The Plan complies with the provisions of Chapter 11 of the United States Code and the Plan  
4 has been proposed in good faith and not by any means forbidden by law. Additionally, each  
5 holder of a claim will receive or retain under the Plan property of a value, as of the effective date  
6 of the Plan, that is not less than the amount that such holder would receive or retain if Debtor was  
7 liquidated under Chapter 7 of the Code on such date, or, the Plan does not discriminate unfairly,  
8 and is fair and equitable with respect to each class of claims or interests that is impaired under,  
9 and has not accepted the Plan.

10       The Plan as amended improved the treatment of Class 7, general unsecured creditors without  
11 priority, without adverse affect to all other classes of creditors. Accordingly, the Court finds there  
12 is no need for additional balloting.

13       5. 11 U.S.C. 1129(a) (4): The Plan provides for payment by the Debtor for services, costs  
14 and expenses in connection with the case, which have been approved by, or are subject to the  
15 approval of the court as reasonable.

16       6. As required by 11 U.S.C. 1129 (a) (10), at least one class of impaired claims has accepted  
17 the Plan, that is, Classes 3 and 6.

18       7. The contents of Debtor's Plan comply with the requirements of 11 U.S.C. 1123.

19       8. Debtors, as proponent of the Plan have disclosed, and the Plan provides, that debtors will  
20 continue to operate the business of the estate, that is, the business of ownership and operation of  
21 Debtor's orchard properties.

22       9. The Plan does not contemplate liquidation of the estate and it is not contemplated or  
23 projected that further reorganization will be necessary following confirmation.

24       10. The Plan provides the events constituting substantial consummation of the Plan.

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2 11. That all fees payable under Section 1930 of Title 28 of the United States Code have been  
3 paid.

4 12. That all objections to confirmation of the Plan have been withdrawn.  
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6 Based on the foregoing Findings the Court concludes as follows:  
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8 Debtor's First Amended Chapter 11 Plan of Reorganization filed herein on January 21, 2011,  
9 under docket number 132, should be confirmed

10 Presented by

11 PATRICK J. MORRISSEY

12 S/Patrick J. Morrissey, WSBA 3045

13 Attorney for Debtor  
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Patricia C. Williams  
Bankruptcy Judge

Findings of Fact and Conclusions  
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